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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,794	03/16/2004	Matthew B. MacLaurin	MS305756.01/MSFTP538US	1906
27195 7590 06/17/2008 AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114				
EXAMINER HARRISON, CHANTE E				
ART UNIT 2628		PAPER NUMBER		
NOTIFICATION DATE 06/17/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

doctet1@thepatentattorneys.com  
hholmes@thepatentattorneys.com  
lpasterchek@thepatentattorneys.com

### Office Action Summary

**Application No.**

10/801,794

**Applicant(s)**

MACLAURIN, MATTHEW B.

**Examiner**

CHANTE HARRISON

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 2, 3 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-10, 18-23 and 26 is/are rejected.
- 7) ☒ Claim(s) 11-17 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 2/29/08.

This action is made **FINAL**.

2. Claims 1, 4-23, 25-26 are pending in the case. Claims 1, 19-21 and 26 are independent claims. Claim 26 has been amended. Claims 2, 3 and 24 are cancelled.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-10, 18-23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Edward Rowe et al, 6,073,148, 2000.

Regarding claim 1, Rowe discloses a drawing component (i.e. client computer) (col. 10, ll. 50-55) that determines visible items to a display (i.e. determines the order of objects for downloading to a computer) (col. 13-20, 30-35); and a logic component (i.e. implementor of process "74") that selectively defers layout of the visible items to the display in a just-in-time manner (col. 13, ll. 13-25), the logic component determines complexity of the visible items in order to defer the layout (i.e. determining whether there are shared objects related to the page to be downloaded) (col. 14, ll. 15-30; col.

19, ll. 25-30), and the logic component associates a flag with the visible items (col. 15, ll. 29-31), the flag being true for complex items (col. 18, ll. 35-41) and the flag being false for non-complex items (col. 18, ll. 42-46).

Regarding claim 4, Rowe discloses the complexity determined by a threshold number of subcomponents or children objects that are associated with the visible items (i.e. the number of subcomponents, e.g. shared objects, is associated with a page; if a page is of a minimal size, the page is not interleaved like a page with shared objects having a delayed display due to complexity; thus, a page of minimal size has a minimal number of shared objects) (col. 19, ll. 25-30; col. 20, ll. 55-61).

Regarding claim 5, Rowe discloses a rough layout component to determine an approximation for the visible items (i.e. upon request of data to be downloaded for display, the pages and corresponding shared objects are identified to determine the data that is to be initially displayed) (col. 23, ll. 39-42; col. 24, ll. 57-61; col. 25, ll. 1-10, 28-40).

Regarding claim 6, Rowe discloses a final layout component that renders the visible items to the display (i.e. if no more shared objects remain the remaining page contents are displayed; redrawing of data to display once all data is made available) (col. 27, ll. 25-40; col. 28, ll. 55-60).

Regarding claim 7, Rowe discloses the visible items are associated with subcomponents or children elements (i.e. shared objects) appearing within the visible items (col. 15, ll. 43-53).

Regarding claim 8, Rowe discloses the rough layout component performs a conceptual pass on the visible when a user interface object is constructed and added to a container (col. 34, ll. 2-6).

Regarding claim 9, Rowe discloses the rough layout component is controlled by an implementor of a class (col. 13, 12-30).

Regarding claim 10, Rowe discloses the rough layout component determines property bounds of an object (col. 7, ll. 40-45; col. 25, ll. 35-40).

Regarding claim 18, Rowe discloses at least one application (i.e. a viewer application program), the application including at least one of a user interface component, a CAD system, a software development system, a modeling system, a drawing system, and a diagrammatic system (Fig. 2A).

Regarding independent claim 19, Rowe discloses a computer readable medium (col. 6, ll. 30-37) having computer readable instructions stored thereon for implementing at least one of the components of claim 1.

Regarding independent claim 20, Rowe discloses a system (Fig. 1) as similarly claimed in claim 1 and means for rendering the display items (i.e. displaying downloaded file data) (col. 5-6, ll. 65-14) based in part on the complexity value (col. 13, ll. 15-25, 30-65) and the flag (col. 18, ll. 35-45).

Regarding independent claim 21, Rowe discloses determining a rough layout for a collection of information items (i.e. upon request of data to be downloaded for display, the pages and corresponding shared objects are identified to determine the data that is to be initially displayed) (col. 23, ll. 39-42; col. 24, ll. 57-61);...and tagging non-complex items from the collection for immediate display (i.e. non-contents shared objects are identified and displayed first) (col. 18, ll. 44-46; col. 13, ll. 30-36; col. 14, ll. 50-53); and selectively tagging remaining complex items from the collection for display at a later time (i.e. shared objects identified as being related to multiple pages by a contents flag set to 1 are displayed later in the designated order of display) (col. 18, ll. 38-44; col. 13, ll. 50-65). Rowe discloses a method (Fig. 4, 10) for implementing the system of claim 1. The rationale as applied in the rejection of claim 1 applies herein.

Regarding claim 22, Rowe discloses providing a Final Layout function (i.e. completing layout of the page) (col. 27, ll. 25-40), a Layout Complete function (i.e. determining whether shared objects remain) (col. 27, ll. 25-40), and a Draw function to render items

to a display (i.e. redrawing of data to display once all data is made available) (col. 28, ll. 55-60).

Regarding claim 23, Rowe discloses the Rough Layout is invoked for components and subcomponents to be displayed, (i.e. upon request of data to be downloaded for display, the pages and corresponding shared objects are identified to determine the data that is to be initially displayed) (col. 23, ll. 39-42; col. 24, ll. 57-61), an approximation representation of a size of individual components and subcomponents is calculated (col. 25, ll. 1-10, 28-40).

Regarding independent claim 26, Rowe discloses a user interface (Fig. 2A) comprising: at least one display object (i.e. a page) for displaying contents of an information item (Fig. 2A); and at least one layout function (i.e. upon request of data to be downloaded for display, the pages and corresponding shared objects are identified to determine the data that is to be initially displayed) (col. 23, ll. 39-42; col. 24, ll. 57-61) the layout function comprises creating a rough layout for the display object (i.e. upon request of data to be downloaded for display, the pages and corresponding shared objects are identified to determine the data that is to be initially displayed) (col. 23, ll. 39-42; col. 24, ll. 57-61), determining complexity of the information item (i.e. shared objects identified as being related to multiple pages by a contents flag set to 1 are displayed later in the designated order of display) (col. 18, ll. 38-44; col. 13, ll. 50-65), and creating a final layout for at least one visible portion of the display object if the information item is

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determined to be a complex information item (i.e. displaying downloaded file data) (col. 5-6, ll. 65-14; col. 13, ll. 15-25, 30-65).

Claims 11-17 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

3. Applicant's arguments filed 2/29/08 have been fully considered but they are not persuasive.

Applicant argues Rowe does not suggest selectively deferring layout of visible items in a just-in-time manner or determining complexity of visible items in order to defer their layout.

In response, Rowe teaches a user/creator of an optimized file determines/provides the order in which objects will be displayed (col. 13, ll. 13-30; col. 14, ll. 3-7). Rowe teaches displaying some objects while delaying the display of other objects (col. 13, ll. 19-30), which enables the display of more desirable portions of a page (col. 3, ll. 43-47). Thus, in teaching controlling the order of display of objects so that some desirable objects are displayed while the display of other objects is delayed, Rowe teaches selectively deferring layout of visible items in a just-in-time manner.

Additionally, Rowe teaches identifying different types of objects, such as non-contents shared objects and shared image objects, which may have children objects (col. 17, ll. 4-14). Applicant's Specification (p. 6, Para 1) suggests complexity can be determined based on a number of subcomponents or children of a component. Rowe teaches associating a contents flag with the objects to identify which objects should be interleaved during downloading of a page to display (col. 18, ll. 35-46). Rowe discloses determining a fractional size of the objects, which is also applied to children of the parent objects, so that shared image objects, also referenced as resource image

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objects, are interleaved late in the downloading process (col. 17-18, ll. 45-28). Thus, Rowe determines the type of object and the children objects associated with the parent object and assigns a fractional size to the objects based on the amount of data to be displayed by the object as a means to control when to download the objects to display. Therefore, Rowe determines the complexity of the visible items in order to defer their layout.

Based on the rationale provided above, Rowe discloses the limitations as recited in independent claims 20, 21 and 26.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chante Harrison  
Examiner  
Art Unit 2628

/Chante Harrison/  
Primary Examiner, Art Unit 2628